Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) An apparatus for discriminating an optical recording medium and the number of recording layers in the medium, the medium ~~comprising~~ having ~~at least a substrate, a conductive layer formed on the substrate and~~ a light transmission layer ~~formed on the conductive layer~~, the apparatus for discriminating an optical recording medium comprising:

a first electrode and a second electrode which can be disposed in the vicinity of a surface of the light transmission layer ~~disposed on a side opposite from the substrate side,~~;

a means for applying a signal to the first electrode~~,~~; and

a means for detecting a signal representative of the number of recording layers appearing at the second electrode~~.~~.

2. (Currently Amended) An apparatus for discriminating an optical recording medium constituted so as to be able to discriminate between a first kind of optical recording medium having ~~comprising at least a substrate, a conductive layer formed on the substrate and~~ a light transmission layer of a first material ~~formed on the conductive layer and containing a first material~~ and a second kind of optical recording medium having ~~comprising at least a substrate, a conductive layer formed on the substrate and~~ a light transmission layer of a second material ~~formed on the conductive layer and containing a second material different from the first material~~, the apparatus for discriminating optical recording media comprising:

a first electrode and a second electrode which can be disposed in the vicinity of a surface of the light transmission layer disposed on a side opposite from the substrate side~~,~~;

a means for applying a signal to the first electrode~~,~~; and

a means for detecting a signal representative of the number of recording layers in the optical recording medium appearing at the second electrode.

3. (Original) An apparatus for discriminating an optical recording medium comprising at least a substrate, at least one recording layer formed on the substrate and a light transmission layer formed on the recording layer constituted so as to be able to discriminate the number of the recording layers included in an optical recording medium, the apparatus for discriminating an optical recording medium comprising a first electrode and a second electrode which can be disposed in the vicinity of a surface of the light transmission layer disposed on a side opposite from the substrate side, a means for applying a signal to the first electrode, and a means for detecting a signal appearing at the second electrode.

4. (Currently Amended) A method for discriminating the number of recording layers in an optical recording medium comprising at least a substrate, a conductive layer formed on the substrate and a light transmission layer formed on the conductive layer, the method for discriminating optical recording media comprising: ~~steps of~~

disposing a first electrode and a second electrode in the vicinity of a surface of the light transmission layer disposed on a side opposite from the substrate side~~,~~;

applying a signal to the first electrode~~,~~;

and detecting a signal appearing at the second electrode, ~~thereby discriminating a kind of an optical recording medium~~that indicates the number of recording layers that are in the medium.

5. (Currently Amended) A method for discriminating the number of recording layers in an optical recording medium constituted so as to be able to discriminate between a first kind of optical recording medium having ~~comprising at least a substrate, a conductive layer formed on the substrate and~~ a light transmission layer of a first material ~~formed on the conductive layer and containing a first material~~ and a second kind of optical recording medium having ~~comprising at least a substrate, a conductive layer formed on the substrate and~~ a

light transmission layer of a second material ~~formed on the conductive layer and containing a second material different from the first material~~, the method for discriminating an optical recording medium comprising: ~~steps of~~

disposing a first electrode and a second electrode in the vicinity of a surface of the light transmission layer disposed on a side opposite from the substrate side~~,~~;

applying a signal to the first electrode~~,~~; and

detecting a signal appearing at the second electrode, ~~thereby~~ that discriminates ~~discriminating~~ whether an optical recording medium has more than one recording layer.~~is the first kind of an optical recording medium or the second kind of an optical recording medium.~~

6. (Original) A method for discriminating an optical recording medium comprising at least a substrate, at least one recording layer formed on the substrate and a light transmission layer formed on the recording layer, which is constituted so as to be able to discriminate the number of the recording layers of an optical recording medium, the method for discriminating an optical recording medium comprising steps of disposing a first electrode and a second electrode in the vicinity of a surface of the light transmission layer disposed on a side opposite from the substrate side, applying a signal to the first electrode, and detecting a signal appearing at the second electrode, thereby discriminating the number of the recording layers included in an optical recording medium.

7. (New) A method for determining the type of an optical recording medium, comprising:

placing a first electrode and a second electrode in the vicinity of a light transmission layer of the optical recording medium;

applying a signal to the first electrode; and

detecting a signal on the second electrode representative of whether there is more than one recording layer in the optical recording medium.

8. (New) The method according to claim 7 wherein the detecting step includes detecting the number of layers of recording medium.

9. (New) An apparatus for determining the type of an optical recording medium, comprising:

a first electrode and a second electrode placed in the vicinity of a light transmission layer of the optical recording medium;

a circuit that applies a signal to the first electrode; and

a circuit that detects a signal representative of the number of recording layers in the optical recording medium appearing at the second electrode.